

REMARKS

Claims 2 and 4-38 were pending in the present application. Claims 4, 9, 34 and 38 are amended herein. Accordingly, claims 2 and 4-38 are currently pending. No new matter has been added. Applicant respectfully request reconsideration of the claims in view of the following remarks.

The Office Action rejected claims 2 and 4-38 under 35 U.S.C. § 103(a) as being unpatentable over Ma et al., U.S. Patent Publication No. 2002/0041635 (“Ma”). Applicant respectfully traverses these rejections.

Specifically, the Office Action stated that the first and second sequences of claim 4, the third and fourth sequences of claim 9 and the transformable sequence of claim 34 are not structurally distinguishable from the teaching of Ma because these claim elements are functional, not structural, limitations. *See, e.g.*, Office Action at 2-3. The Office Action further stated that “it would have been obvious to one skilled in the art at the time the invention was made to recognize that the system of Ma would also be capable of providing such sequences.” *Id.* at 3.

Applicant has amended independent claims 4, 9 and 34 to more clearly recite the claim elements in structural form. Amended independent claim 4 now recites “a transmitter comprising preamble transmission circuitry[, and] a memory storing the preamble, the preamble comprising” first and second sequences. Amended independent claim 9 now recites “a transmitter comprising preamble transmission circuitry[, and] a memory storing the preamble, the preamble comprising a first sequence” comprising third and fourth sequences. Amended independent claim 34 now recites “a transmitter comprising preamble transmission circuitry, . . .

a memory for storing a program[, and] a processor for executing the program stored in the memory,” the program for transforming the preamble prior to transmission.

Each of the independent claims now explicitly requires a transmitter and a memory. The transmitter comprises preamble transmission circuitry, and the memory stores either a preamble with specifically-claimed characteristics (claims 4 and 9), or specifically-claimed instructions for transforming a preamble (claim 34). Applicant respectfully submits that these limitations clearly are structural, not functional, limitations. With respect to these structural limitations, Ma does not disclose the specific elements of the claims related to the preambles or preamble transformation. Accordingly, Applicant respectfully submits that independent claims 4, 9 and 34 are patentable over Ma.

Claims 2, 5-8 depend from claim 4, and claims 10-33 and 35-38 depend from claim 9, and add further limitations to their respective independent claims. Applicant respectfully submits that these dependent claims are allowable by reason of depending from an allowable claim as well as for adding new limitations.

In view of the above, Applicant submits that the claims are in condition for allowance. No new matter has been added by this amendment. If the Examiner should have any questions, please contact Applicant's Attorney, Ron Neerings, at 972-917-5299. The Commissioner is hereby authorized to charge any fees due in connection with this filing, or credit any overpayment, to Deposit Account No. 20-0668.

Respectfully submitted,

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